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S&H Form: (2/01)

Docket No.: 1594.1334

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byoung Yull YANG et al

Serial No. 10/790,781

Group Art Unit: 3749

Confirmation No. 3217

Filed: March 3, 2004

Examiner: Unassigned

For: CLOTHES DRYER AND METHOD OF CONTROLLING THE SAME

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed July 21, 2004 and having a shortened statutory period for response set to expire on August 21, 2004. The following remarks are provided:

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group II** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group I is concerned, it is believed that claims 1-7, and 31-35 are so closely related to elected claims 8-30 that they should remain in the same application. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group I claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-7, and 31-35 to be a separate invention from claims 8-30, the Applicants respectfully request the Examiner to consider claims 1-7, and 31-35 (Group I) and 8-30 (Group II) together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group I claims is directed to a method of controlling a clothes dryer, and elected claims 8-30 are directed to a clothes dryer, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 17 Aug 2004

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